



# San Diego City Attorney **MICHAEL J. AGUIRRE**

## **NEWS RELEASE**

**FOR IMMEDIATE RELEASE: July 3, 2008**

**Contact: Communications Division (619) 235-5725**

### **CITY APPEALS FEDERAL PRELIMINARY INJUNCTION THAT GRANTED BLACKWATER PERMISSION TO USE OTAY MESA WAREHOUSE FOR MILITARY TRAINING**

**San Diego, CA**—The City of San Diego today filed an appeal challenging last month's Federal District Court ruling that granted a preliminary injunction permitting Blackwater Worldwide, a government contractor specializing in military training, to continue its military training operation in an Otay Mesa warehouse without complying with all applicable City permit procedures.

The brief was filed in the United States Court of Appeals for the Ninth Circuit.

"The preliminary injunction interferes with the City's local regulatory land use authority, which usurps the City of San Diego's police power to regulate the use of its land," said City Attorney Michael Aguirre.

When Blackwater was informed by the City of San Diego's Development Services Department that further permit processing and environmental compliance were necessary, the company filed a lawsuit in federal court alleging civil rights violations.

Through this federal action, Blackwater is seeking to force the City to issue a certificate of occupancy that would change the building from warehouse to military training uses. This use is not fully consistent with the industrial zoning of the Otay Mesa Development District and its permitted uses. Additionally, portions of the building have not been cleared for use as a military training center and are still being evaluated for Building Code safety compliance.

If the City's appeal is granted, the preliminary injunction would be lifted, and the City will be able to immediately exercise its land use authority to seek compliance with San Diego's Municipal Code. However, regardless of the outcome of the appeal, a trial on the merits of the case will eventually determine whether Blackwater can usurp the City's land use authority. A trial date has yet to be set by the Federal District Court.

To view the appeal, visit [www.sandiegocityattorney.org](http://www.sandiegocityattorney.org), click "Significant Reports and Legal Documents."

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